IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 2659 of 2007(N)

PETITIONER:

KUMARI GEETHA.K., TYPIST GRADE-I,
FINANCE DEPARTMENT, SECRETARIAT,
(GOVT. QUARTER NO.29/311 B, RAJEEV NAGAR,
MELARANNOOR, KARAMANA, THIRUVANANTHAPURAM).

BY ADV. SRI.K.KARTHIKEYA PANICKER
SMT.DAYA K. PANICKER

RESPONDENTS:

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1. THE DEPUTY SECRETARY TO GOVERNMENT,
PUBLIC WORKS (E) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE TAHSILDAR, TALUK OFFICE,
THIRUVANANTHAPURAM.

4. THE VILLAGE OFFICER, KAVADIYAR,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING

K.K.DENESAN, J

W.P.(C)NO. 2659 of 2007

Dated this the 7th day of February, 2007

JUDGMENT

The petitioner is working as Typist Grade I, Finance department, Secretariate.Reliefs prayed for, are the following:

> a) to issue a writ in the nature of mandamus or any other writ, order or direction to implement Exts.P1 and P2 orders and hand over vacant possession of quarter No.1CRHs., Nalanda to the petitioner for her occupation without any liability.
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> b) to issue a writ of mandamus or any other writ, order or direction to respondents 3 and 4 to implement Ext.P3 order forthwith and hand over vacant possession of quarter No.1,CRHs, Nalanda to the petitioner.
>
> c) to declare that the delay from the part of the respondents to evict the unauthorised occupant from quarter No.CRHS, Nalanda and hand over vacant possession of the same to the petitioner is arbitrary, malafide, illegal, discriminatory and violative of Article 14 of the constitution of India.
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> d) to issue any other writ, order or direction as this Hon'ble Court deems fit and proper in the case with cost of the

proceedings.

2. Government Pleader submits that quarter No.1, CRHS, Nalanda has been allotted to the petitioner and she has occupied the same. Counsel for the petitioner admits that the statement made by the Government Pleader is correct. That being the situation, this writ petition has become infructuous. Counsel for the petitioner, however, submits that the liabilities incurred by the incumbent who was in possession before the petitioner was given the key of the quarters, shall not be put on the shoulders of the petitioner and that she shall be permitted to occupy the quarters free from all such liabilities. Counsel further submits that the petitioner will be submitting a representation to the first respondent in respect of the liability, if any, pending clearance by the previous occupant, so that, the petitioner shall not be called upon to pay any such amount or she shall not be taken to task for not clearing any such liability while she is in occupation of the quarters.

3. Needless to state that representation if any, filed by the

petitioner, as stated above, shall be considered by the first respondent and decision in accordance with law taken, at the earliest.

With the above observations, the writ petition is disposed of.

K.K.DENESAN, JUDGE

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